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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION TWO

ANTHONY RUTLEDGE et al.,

Plaintiffs and Appellants,

v.

SEYFARTH, SHAW, FAIRWEATHER
& GERALDSON et al.,

Defendants and Respondents.

A100456

(San Francisco County
Super. Ct. No. 989163)

Anthony Rutledge, on his own behalf and on behalf of all other participants and beneficiaries of the Hotel Union and Hotel Industry of Hawaii Pension Trust and AFL Hotel and Restaurant Workers' Health and Welfare Trust Fund (collectively "Rutledge") appeals the trial court's order awarding costs of suit to Seyfarth, Shaw, Fairweather & Geraldson, a law firm, and Mitchel Whitehead, one of its attorneys (collectively "Seyfarth") following a judgment of nonsuit in this matter. Rutledge contends the trial court improperly awarded costs to Seyfarth because (1) its judgment of nonsuit in the underlying action was erroneous and should be reversed and (2) regardless of that judgment, Seyfarth was not entitled to the costs claimed. We shall affirm the order.

Following the judgment of nonsuit in the underlying action, Seyfarth filed a memorandum of costs and an addendum to that memorandum. Rutledge filed a motion to tax costs, and Seyfarth filed an opposition to Rutledge's motion. On August 28, 2002, the trial court entered an order denying the motion to tax costs

and awarding costs of \$5,524.00 to Seyfarth. On October 1, 2002, Rutledge filed a notice of appeal.

In his one-page opening brief,¹ Rutledge asserts two grounds for reversing the trial court's costs award. First, he avers that the trial court's judgment of nonsuit should be reversed and, therefore, the order awarding costs to Seyfarth, as prevailing party, should also be reversed. In a separate opinion (A099423) filed concurrently herewith, we have affirmed the trial court's judgment of nonsuit. Accordingly, Rutledge's first ground for reversing the costs award is without merit.

In support of his second ground for reversing the costs award, Rutledge merely states: "In addition, for the reasons set forth in Plaintiff's July 12, 2002 Motion to Tax Costs filed in the underlying action, the costs claimed by Defendants should be denied."

Rutledge's failure to offer any legal argument, citation to authorities, or citation to the record waives this claim on appeal. (See, e.g., *Kim v. Sumitomo Bank* (1993) 17 Cal.App.4th 974, 979.)

The trial court's order awarding costs to Seyfarth is affirmed. Costs on appeal are awarded to Seyfarth.

Kline, P.J.

We concur:

Haerle, J.

Lambden, J.

¹ Rutledge has filed no reply brief in this appeal.